

**Domestic Violence Coordinating Council
Legislative Subcommittee Meeting Minutes
February 13, 2015**

In attendance were: Senator Patricia Blevins, DVCC/Senate; Attorney General Matt Denn, DOJ; Judge Maria Page, JP Court; Linda Carmichael, Superior Court; Patricia Dailey Lewis, DOJ; Mariann Kenville-Moore, and Abby Fischer, DCADV; Leann Summa, Family Court; Adrienne Owen, DSP; and Ellie Torres, DVCC. Former Senator Liane Sorenson attended representing the Delaware Coalition Against Gun Violence.

Senator Blevins called the meeting to order and the meeting minutes from November 24, 2014 were approved with changes.

Old business included a discussion about proposing changes to the PFA statute to include former parents. Pat Dailey Lewis explained the need to provide protection from parents whose parental rights have been terminated but continue to exhibit frightening and stalking behaviors toward the children. Ellie Torres will draft a bill and circulate to the group. There was a discussion about orders that state “no unlawful contact” rather than “no contact.” Law enforcement finds the enforcement of “no unlawful contact” to be difficult. It would be preferred to have orders with no contact and provide exceptions, or allow for orders to be amended later, but initially no contact orders should be entered.

The suggestion to add strangulation as a violent felony has already been drafted and introduced by Representative Lynn as HB 7.

Adding offensive touching to endangering the welfare of a child statute will require additional research.

A proposal was submitted by Family Court to consider extending ex parte PFA orders from 10 days to 15 days. It would be more efficient and effective to extend to 15 days to resolve issues with servicing the respondent. The Court has research from other states that indicates that 15 days is within the national norms. The Court will forward that research as well as the data on the number of respondents that request a continuance and the quality of the resolution when there is more time to prepare for hearings. The advocacy community supports the proposal. A bill will be drafted and circulated.

Proposed legislation from the Delaware Coalition Against Gun Violence was provided for review and comment at the request of the bills’ supporters. The first bill makes amendments to the person prohibited statute and addresses the gun relinquishment process. The Committee discussed issues that might be problematic with the legislation and determined that the best approach would be to send a letter to Senator Henry as the bill’s sponsor and provide the Committee’s feedback. The letter will address lines 22-23 that strike “other than an ex parte order” and suggest that language be added to clarify that the ex parte order has been served on the respondent. There was concern regarding lines 68-71 as it may impact domestic violence survivors that have convictions falling

within the list of enumerated offenses but desire to carry a firearm for protection. Finally, striking lines 138-139 and adding lines 175-178 would remove the Family Court's discretion to allow exceptions where respondent may retain firearms for purposes of employment.

The other bill, the Lethal Violence Protection Order bill, generated a discussion about the jurisdiction to issue such orders being in Family Court or Superior Court. The Committee agreed that Superior Court might be more appropriate in this case. Representative Barbieri would be the sponsor of this bill and the Family Court will contact him to explain the reasoning behind the suggestion.

The meeting was adjourned with a plan to draft legislation to extend ex parte orders to 15 days, and add former parents to the PFA statute.